

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Creation of a Low	)	MM Docket No. 99-25
Power Radio Service	)	
	)	RM-9208
	)	RM-9242
	)	
	)	

**MOTION FOR EXTENSION OF TIME OF COMMENT  
AND REPLY COMMENT DEADLINES**

Pursuant to 47 C.F.R. § 1.46, the National Association of Broadcasters (“NAB”);<sup>1</sup> the Consumer Electronics Manufacturers Association (“CEMA”);<sup>2</sup> the North Carolina Association of Broadcasters (“NCAB”);<sup>3</sup> the Virginia Association of Broadcasters (“VAB”);<sup>4</sup> as well as, the Alabama Broadcasters Association, Alaska Broadcasters Association, Arizona Broadcasters Association, Arkansas Broadcasters Association, California Broadcasters Association, Colorado Broadcasters Association, Connecticut Broadcasters Association, Florida Association of Broadcasters, Georgia Association of Broadcasters, Hawaii Association of Broadcasters, Idaho State Broadcasters Association, Illinois Broadcasters Association, Indiana Broadcasters Association, Iowa Broadcasters Association, Kansas Association of Broadcasters, Kentucky

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<sup>1</sup> NAB is a nonprofit, incorporated association of television and radio stations and broadcast networks which serves and represents the American broadcast industry.

<sup>2</sup> CEMA, a sector of the Electronic Industries Alliance, is the principal trade association of the consumer electronics industry. CEMA members design, manufacture, distribute and sell a wide variety of consumer electronics equipment, including radio broadcast receivers.

<sup>3</sup> NCAB is a voluntary non-profit trade association of some 23 television and 154 radio stations in North Carolina.

<sup>4</sup> VAB is a voluntary non-profit trade association consisting of some 22 television stations and 104 radio stations in Virginia.

Broadcasters Association, Louisiana Association of Broadcasters, Maine Association of Broadcasters, Maryland/District of Columbia/Delaware Broadcasters Association, Massachusetts Broadcasters Association, Michigan Association of Broadcasters, Minnesota Broadcasters Association, Mississippi Association of Broadcasters, Missouri Broadcasters Association, Montana Broadcasters Association, Nebraska Broadcasters Association, Nevada Broadcasters Association, New Hampshire Association of Broadcasters, New Jersey Broadcasters Association, New Mexico Broadcasters Association, The New York State Broadcasters Association, Inc., North Dakota Broadcasters Association, Ohio Association of Broadcasters, Oklahoma Association of Broadcasters, Oregon Association of Broadcasters, Pennsylvania Association of Broadcasters, Radio Broadcasters Association of Puerto Rico, Rhode Island Broadcasters Association, South Carolina Broadcasters Association, South Dakota Broadcasters Association, Tennessee Association of Broadcasters, Texas Association of Broadcasters, Utah Broadcasters Association, Vermont Association of Broadcasters, Washington State Association of Broadcasters, West Virginia Broadcasters Association, Wisconsin Broadcasters Association, and Wyoming Association of Broadcasters (“State Associations”)<sup>5</sup> (collectively, “Movants”) request that the Commission extend the comment deadline by ninety (90) days and reply comment deadline by one hundred fifty (150) days in the above-captioned proceeding.

The Commission’s *Notice of Proposed Rule Making* (“Notice”)<sup>6</sup> was published in the Federal Register on February 16, 1999. The comment and reply comment deadline dates are set at April 12, 1999, and May 12, 1999, respectively.<sup>7</sup> The new deadlines would be July 12, 1999, and

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<sup>5</sup> The State Associations represent radio broadcasters in all states, the District of Columbia and Puerto Rico.

<sup>6</sup> *In the Matter of Creation of a Low Power Radio Service*, MM Docket No. 99-25, released February 3, 1999.

<sup>7</sup> 64 Fed. Reg. 7577 (1999).

October 11, 1999, respectively. Movants believe there is good cause for the FCC to provide an extension of these deadlines. The Commission's *Notice* proposes to establish a new low power radio service within the existing FM band. The established comment period is too short for the completion and evaluation of ongoing and planned studies to measure the effects of the proposal. An additional 60 days to file reply comments is necessary so that parties may properly respond to any studies that are submitted at the comment stage.

The *Notice* proposes relaxation or elimination of interference protection requirements as a means to create a viable LPFM service.<sup>8</sup> These include 2<sup>nd</sup> adjacent, 3<sup>rd</sup> adjacent and intermediate frequency interference requirements. The Commission also suggests a novel supposition – reducing the FM channel bandwidth by half for these LPFM stations – and requests information on the impact that this might have on stereophonic reception.<sup>9</sup> These proposals, and others in the *Notice*, require comprehensive evaluation. The Commission, itself, has requested that commenters consider and comment on the harmful effects to existing stations and listeners, and the current state of receiver technology.<sup>10</sup> Providing this detailed information will take substantially more time than the Commission has allowed for this proceeding.

Various parties to this Motion plan on conducting studies to determine the impact of some of the proposals in the *Notice*. For example, NAB has commenced a series of technical studies to ascertain the impact of low power FM facilities on existing FM reception. First, NAB will study the characteristics of various categories of FM receivers. After that study is complete, NAB will use that information to determine the interference impact on stations – and their listening audiences – in

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<sup>8</sup> *Notice* at ¶ 45 and ¶ 46.

<sup>9</sup> *Id.* at ¶ 56.

<sup>10</sup> *Id.* at ¶ 46.

specific markets. Additionally, NAB is commissioning study to evaluate the economic impact of a new radio service on the quality of radio now enjoyed by the public.

CEMA also has commenced a significant study of FM receivers, and their performance with, and susceptibility to, the FCC's proposals and to other interference impairments. CEMA believes the data derived from these evaluations will provide the Commission with a factual technical record to better assess the impact of its proposals.

The NCAB and VAB are retaining engineering and economic experts to assist in analyzing the numerous proposals contained in the *Notice*. Given the complexities involved in the possible creation of new low power and microradio services, NCAB and VAB believe several different types of engineering studies may need to be performed in several different types of markets. Moreover, NCAB and VAB believe that it will not be possible to commence the economic analyses until the engineering studies are completed.

The named State Associations also support the request for extension of time to file. They will be meeting at NAB's State Leadership Conference in Washington D.C. on March 6 – 9, 1999. The State Associations will be discussing the LPFM *Notice* and determining whether other studies should be conducted.

Each organization believes the additional time is necessary to complete and evaluate these studies and then submit comments to the Commission in this proceeding. The information derived from these studies is vital in order for the Commission to establish a comprehensive record upon which it may make a knowledgeable decision on whether to adopt or reject its proposals.

Thus, the Movants respectfully request that the Commission extend the filing deadlines for comments and reply comments to July 12, 1999 and October 11, 1999, respectively.

Respectfully submitted,

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